

FORTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas, March 23, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent-Excused.

Holbrook. Pollard.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitution rule relating to the introduction of bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Small:

S. B. No. 565, A bill to be entitled "An Act to amend Article 835 of Title 10 of the Code of Criminal Procedure of the State of Texas of 1925, relating to bail in criminal cases pending appeal; providing for surrender of appellant by his sureties pending appeal; providing for the giving of new bail by appellant when so surrendered; providing for

new bail in case of defective appeal bond or recognizance pending appeal; providing for commitment of appellant upon failure to enter into such new bail; providing for jurisdiction of the appellate court in such cases and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Moore:

S. B. No. 566, A bill to be entitled "An Act providing for the taking of fish from the fresh water of Rockwall County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one half inch square etc., and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Moore, Hardin, Woodul, Beck, Pollard, Thomason, Stevenson, Neal Russek, Purl, Greer, Woodward, Woodruff, Parr, Oneal, Williamson, Hornsby, Poage, Martin, Patton, Gainer, Berkeley.

S. B. No. 567, A bill to be entitled "An Act defining primary and secondary highways; designating highways so defined, directing the State Highway Commission to complete construction of said designated highways in their order; limiting the designation of primary and secondary highways; and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Excused.

On motion of Senator Russek, Senator Holbrook was excused for the day on account of illness.

Committees Appointed.

The Chair announced the appointment of the following committees:

To receive Admiral Magruder:

Senators Woodul, Beck, and Thomason.

Authorized by H. C. R. No. 3:

Senator Williamson.

Authorized by H. C. R. No. 26:

Senators Beck and Hardin.

S. J. R. No. 19.

Senator Parr called up the following resolution:

By Senator Parr:

A Joint Resolution proposing an amendment to Section 30 of Article 16 of the Constitution, providing that the duration of all offices not fixed by the Constitution shall be for four years, etc., and making appropriation therefor.

On motion of Senator Parr, the resolution was laid on the table subject to call.

Simple Resolution No. 87.

Senator Poage sent up the following resolution:

Whereas Dr. C. T. Caldwell, of the First Presbyterian Church of Waco, is now conducting a series of services at Southern Presbyterian Church of Austin, and

Whereas, Dr. Caldwell is one of the outstanding ministers of this State, and is one of the most highly respected and loved citizens of the community and city in which he has served as pastor longer than any other living man,

Now, therefore, Be It Resolved by the Senate of Texas that Dr. C. T. Caldwell be and is hereby invited to deliver the invocation at the opening of the Senate tomorrow morning, Tuesday, March the twenty-fourth.

Read and adopted.

On motion of Senator Poage, Rev. W. H. Doss, Senate Chaplain, was instructed to deliver the invitation to Dr. Caldwell.

Resolution Signed.

The Chair, Lieutenant Governor, Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 41.

Senate Bill No. 264.

On motion of Senator Greer, S. B. N. 264 was laid on the table subject to call.

H. C. R. No. 42.

The Chair laid before the Senate: H. C. R. No. 42, Inviting Hon. Charles G. Wood of the U. S. Department of Labor to address the Legislature.

Read and adopted.

House Bill No. 574.

Senator Williamson called up from the table:

H. B. No. 574, A bill to be entitled "An Act to provide more adequate compensation for county treasurer in counties of a population of not less than 250,000 and not more than 310,000, as shown by the last Federal census of 1930, where the treasurer of such counties acts as paymaster for the county in addition to the regular duties as county treasurer; and providing for the employment of an assistant for such treasurers, and declaring an emergency."

Read second time.

Senator Williamson sent up the following amendments:

Amend H. B. No. 574 by striking out all of Section 1, and insert in lieu thereof the following:

Section 1. That in Counties having a population of not less than 250,000, and where in such Counties the County Treasurer prepares the pay rolls and makes payment thereunder in cash, and acts as paymaster for the County, in addition to the duties of a custodian of a County fund, there shall be paid to such County Treasurer out of the general funds of the County, and in addition to the maximum compensation now allowed to him by law, the sum of Two Hundred (\$200.00) Dollars per month and be paid to him on the first day of each calendar month, provided said compensation from all sources shall not exceed the sum of Fifty One Hundred (\$5100.00) Dollars per year.

WILLIAMSON.

Read and adopted.

Amend the caption of H. B. No. 574 by striking out all after the figures 250,000 in line two and insert in lieu thereof, the following:

"To provide more adequate compensation for County Treasurers in counties of a population of not less than 250,000 where the treasurer of such counties prepares the payrolls, makes payments thereunder in cash and acts as paymaster for the county in addition to the regular duties as county treasurer; and providing for the employment of an assistant for such treasurers; and declaring an emergency."

WILLIAMSON.

Read and adopted.

The bill passed to third reading.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 574 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent-Excused.

Holbrook. Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—2.

DeBerry. Purl.

Absent-Excused.

Holbrook. Pollard.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, March 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 23, Relative to the creating of a committee to study oil, gas and minerals with such a committee from certain other states.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 725.

Senator Parr called up from the table:

H. B. No. 725, A bill to be entitled "An Act authorizing any navigation district organized or hereafter to be organized under any of the provisions of the Constitution or Laws of this State, created for the development of deep water navigation, having within its limits a city now operating under special charter originally granted by the Legislature and having between 27,000 and 28,000 inhabitants, as shown by the last Federal census, to borrow money and to mortgage and encumber any part or all of its properties and facilities and the franchise and revenues and income from the operation thereof and everything pertaining thereto, etc., and declaring an emergency."

Read second time.

Senator Parr sent up the following amendment:

Amend S. B. No. 725 by striking from the caption and from section 1, the following language:

"having within its limits a city now operating under special charter originally granted by the Legislature and having between 27,000 and 28,000 inhabitants as shown by the last Federal census.

PARR.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 725 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Hornsby.
Berkeley.	Loy.
Cousins.	Martin.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Parrish.
Hopkins.	Patton.

Poage.	Thomason.
Purl.	Williamson.
Rawlings.	Woodruff.
Russek.	Woodul.
Small.	Woodward.
Stevenson.	

Absent-Excused.

Holbrook. Pollard.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent-Excused.

Holbrook. Pollard.

Senate Bill No. 407.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Loy:

S. B. No. 407, A bill to be entitled
"An Act to amend Section 9, Chap-
ter 14, Acts Forty-first Legislature,
Third Called Session, so as to pro-
vide for aid to consolidated districts
formed subsequent to January 1,
1917, and prior to September 1,
1929, under certain conditions and
regulations; and declaring an emer-
gency."

The bill was read second time and
passed to engrossment.

On motion of Senator Loy the con-
stitutional rule requiring bills to be
read on three several days was sus-
pended and S. B. No. 407 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—29.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Patton.	Woodward.
Poage.	

Absent-Excused.

Holbrook. Pollard.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent-Excused.

Holbrook. Pollard.

Senate Bill No. 334.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Parr:

S. B. No. 334, A bill to be entitled
"An Act to amend Article 7642 of
the Revised Civil Statutes of 1925,
which article relates to the qualifi-
cations of tax assessor and collector
for water improvement districts, and
declaring an emergency."

The committee report was adopted.
The bill was read second time and
passed to engrossment.

On motion of Senator Parr the con-
stitutional rule requiring bills to be
read on three several days was sus-
pended and S. B. No. 334 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—29.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

Absent-Excused.

Holbrook.	Pollard.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent-Excused.

Holbrook.	Pollard.
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S. J. R. No. 13.

The Chair laid before the Senate on its second reading the following resolution:

By Senator DeBerry, et al:

S. J. R. No. 13, Proposing to amend the Constitution of the State of Texas so as to provide that no State-wide ad valorem tax on property shall be levied or assessed for any purpose after January 1, 1933; but thereafter such ad valorem taxes on property may be levied only for local purposes by counties, cities or towns or school districts or road districts or other sub-divisions of the State, on such property at its fair cash market value.

The committee report carrying amendments was adopted.

The resolution was read second time and passed to engrossment.

S. J. R. No. 16.

Senator Hardin called up from the table the following resolution:

By Senator Hardin:

S. J. R. No. 16, To amend Section 51 of Article 16 of the Constitution of Texas, limiting the exemptions of homesteads to property the value of which shall not exceed Five Thousand (\$5,000.00) Dollars; providing for its submission to the voters as required by the Constitution, and making an appropriation therefor.

The committee report was adopted.

Read second time and passed to engrossment.

Senate Bill No. 177.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 177, A bill to be entitled "An Act amending Article 7344 of the Revised Civil Statutes of Texas for 1925; and declaring an emergency."

On motion of Senator Parrish, the bill was laid on the table subject to call.

Senate Bill No. 313.

The Chair laid before the Senate on its second reading the following bill:

By Senator Moore:

S. B. No. 313, A bill to be entitled "An Act to extend for a period of three years from March 21, 1931, Oil and Gas Permit No. 14233, covering 1258 acres of the Pecos River bed in Reeves, Loving and Ward Counties, prescribing conditions of such extension, and declaring an emergency."

Read second time.

On motion of Senator Moore, the bill was laid on the table subject to call.

Motion to Set Special Order.

Senator Small moved to set S. B. No. 337 as special order tomorrow morning immediately following the morning call. The motion prevailed by the following vote:

Yeas—21.

Beck.	Greer.
Gainer.	Hardin.

Hopkins.	Pollard.
Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Woodruff.
Parr.	Woodward.
Patton.	

Nays—7.

Berkeley.	Poage.
Cunningham.	Thomason.
DeBerry.	Woodul.
Parrish.	

Absent.

Cousins.	Williamson.
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Absent-Excused.

Holbrook.

Senate Bill No. 403.

The Chair laid before the Senate on its second reading the following bill:

By Senators Berkeley, Woodward: S. B. No. 403, A bill to be entitled "An Act declaring the lands set apart for the endowment of the University of Texas by the Constitution of 1876, and by an Act of the Legislature of 1883, which are now unsold, to be subject to taxation for county purposes in the counties in which they are located; requiring the State Tax Board to fix the values for the purpose of taxation; directing the tax collectors of certain counties to render a report to the Comptroller; providing that the State shall pay annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes, and declaring an emergency."

Read second time.

Senator Berkeley sent up the following amendment:

Amend Senate Bill No. 403 by striking out all of Section 1 and substituting in lieu thereof the following:

"Section 1. All the lands set apart for the endowment of the University of Texas by Section 15 of Article 7 of the Constitution of 1876, and by Chapter 52 of the Acts of the Regular Session of the 18th Legislature, which are now unsold, are hereby declared to be subject to taxation for county purposes in the

counties in which they are located the same as lands privately owned in said counties."

BERKELEY.

The amendment was read.

Senator Woodward received consent to sent up for consideration without immediate action the following amendment:

Amend S. B. No. 403 by adding after the word 'lands' line 4 of section 4, of the printed bill the words 'of similar class, kind, and character.'

WOODWARD.

The amendment was read.

On motion of Senator Berkeley, the bill and pending amendments were laid on the table subject to call.

Senate Joint Resolution No. 18.

The Chair laid before the Senate on its third reading the following resolution:

By Senator Neal:

S. J. R. No. 18, A Joint Resolution "Proposing an amendment to Section 9 of Article 8 of the Constitution, authorizing an additional levy of taxes by political subdivisions of the State not to exceed two mills on the One (\$1.00) Dollar valuation; calling and providing for an election for the purpose of submitting said amendment to the people; providing means and manner thereof, and making an appropriation therefor."

Read third time and lost by the following vote:

Yeas—14.

Beck.	Patton.
Greer.	Pollard.
Hardin.	Purl.
Hornsby.	Russek.
Moore.	Thomason.
Neal.	Woodul.
Parr.	Woodward.

Nays—11.

Berkeley.	Parrish.
Cunningham.	Poage.
DeBerry.	Small.
Hopkins.	Stevenson.
Loy.	Woodruff.
Oneal.	

Absent.

Cousins.	Rawlings.
Gainer.	Williamson.
Martin.	

Absent-Excused.

Holbrook.

(Two-thirds favorable vote required.)

Senate Bill No. 339.

On motion of Senator Purl, S. B. No. 339 was laid on the table subject to call.

Senate Bill No. 18.

The Chair laid before the Senate on its second reading the following bill:

By Senators Purl and Greer:

S. B. No. 18, A bill to be entitled "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting any Association engaged in promoting the religious, educational and physical development of boys and girls, young men or young women, operating under a State or National organization or like charter, and all endowment funds of such institutions, and declaring an emergency."

The committee report was adopted.
Read second time.

On motion of Senator Woodward, the bill was laid on the table subject to call.

Senate Bill No. 26.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Purl:

S. B. No. 26, A bill to be entitled "An Act amending Article 4726 of the revised Civil Statutes of the State of Texas, Permitting a Life Insurance Company to own an Office Building located on leased ground, and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time.

Recess.

Senator Beck moved to recess until 2 o'clock p. m.

Senator Woodruff moved to recess until 1:30 o'clock p. m.

The motion to recess until 2 o'clock prevailed and at 12 o'clock the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 26.

The question recurred upon the engrossment of S. B. No. 26.

The bill passed to engrossment.

Senate Bill No. 22.

The Chair laid before the Senate on its second reading the following bill:

By Senators Hornsby and Purl:

S. B. No. 22, A bill to be entitled "An Act exempting from taxation property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the minister of such church or religious society which yields no revenue whatever to such church or religious society, and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational, and physical development of boys and girls, young men or young women, operating under a state or national organization or like charter, and declaring an emergency."

The committee report was adopted.
Read second time.

Senator Martin sent up the following amendments:

Amend S. B. No. 22 by striking out of lines 20 and 21 the words "or by a strictly religious society."

MARTIN.

Amend S. B. No. 22 by striking out of line 22 the words: "or religious society."

MARTIN.

Amend S. B. No. 22 by striking out of line 23 the words: "or religious society."

MARTIN.

Amend S. B. No. 22 by striking out all of Section 1 from the word "all inclusive" in line 27 to the end of said section.

MARTIN.

The amendments were read.

Senator Loy sent up the following amendment:

Amend S. B. 22 in line 26 by striking out the word "one acre" and substituting in lieu therefore "one-fourth acre."

LOY.

The amendment was read.

Senator Parrish sent up the following amendment:

Amend S. B. No. 22 line 27 of the printed bill by striking out all the wording after the word "profit" in line 27 and closing with the word "profit" in line 32.

PARRISH.

The amendment was read.

On motion of Senator Hornsby, the bill and the amendments were laid on the table subject to call.

Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read the following resolution: S. C. R. No. 23.

Committee Appointed.

Senator Hardin moved that the House be notified of Admiral Magruder's address at 3 p. m., today and invited to attend.

The motion prevailed.

The Chair appointed Senators Hardin, Martin, and DeBerry to extend the invitation to the House.

Committee Reports.

The committee appointed to notify the House concerning Admiral Magruder's address appeared at the bar of the Senate and Senator DeBerry informed the Chair that the committee had performed its duty.

Senate Bill No. 403.

Senator Berkeley called up from the table the following bill:

By Senators Berkeley, Woodward:
S. B. No. 403, A bill to be entitled "An Act declaring the lands set apart for the endowment of the University of Texas by the Constitution of 1876, and by an Act of the Legislature of 1883, which are now unsold, to be subject to taxation for county purposes in the counties in which they are located; requiring the State Tax Board to fix the values for the purpose of taxation; directing the tax

collectors of certain counties to render a report to the Comptroller; providing that the State shall pay annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes; and declaring an emergency."

The committee amendment was adopted.

The amendment by Senator Berkeley was adopted.

Senator Woodward withdrew his pending amendment and sent up the following amendments:

Amend S. B. No. 403 by Striking out of line 23 in Sec. 1, the words "the same" and inserting in lieu thereof the words "to the same extent."

WOODWARD.
BERKELEY,
DEBERRY.

Read and adopted.

Amend S. B. No. 403 by striking out of Sec. 4, beginning on line 3 the following words: "upon values as nearly as possible equal to those by which lands privately owned in the same counties are assessed and rendered."

WOODWARD,
BERKELEY,
DEBERRY.

Read and adopted.

Amend S. B. No. 403 by striking out of Sec. 6, lines 18 and 19 the following language: "in an amount equal to the tax imposed upon said lands for county purposes."

WOODWARD,
BERKELEY,
DEBERRY.

Read and adopted.

Amend the Caption of S. B. No. 403 by striking out of the Caption in lines 15 of the printed bill the word "an" and insert in lieu thereof the word "the" and by striking out the words "equal to the" and insert in lieu thereof the word "of."

WOODWARD,
BERKELEY,
DEBERRY.

Read and adopted.

Amend S. B. No. 403 by striking out of Sec. 6 lines 21 and 22 the words "not later than February 1st subsequent to the year for which they are rendered and assessed" and

by adding before the word "as" line 23 the following "within the time."

ONEAL,
WOODWARD.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 403 was put on its third reading and final passage, by the following vote.

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent-Excused.

Cousins.	Rawlings.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent-Excused.

Cousins.	Rawlings.
Holbrook.	

Senators Excused.

On motion of Senator Woodward, Senator Rawlings and Senator Cousins were excused for the day on account of important business.

Admiral Magruder Speaks.

The Chair appointed Senators Thomason, Beck and Woodul to escort Admiral Magruder to the platform.

The Chair introduced Senator Thomason who introduced Admiral Magruder.

Admiral Magruder briefly addressed the Senate.

Motion to Re-refer.

Senator Woodruff moved to withdraw S. B. No. 486 from the Committee on State Affairs and re-refer it to the Committee on Criminal Jurisprudence.

The motion prevailed.

Senate Bill No. 214.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 214. A bill to be entitled "An Act to provide for a permanent record of all marriages and divorces in the State of Texas; to prescribe the manner in which such records shall be preserved; to prescribe the duties of officials handling such records; to provide for a fund to maintain the Bureau of Vital Statistics and to provide for the manner in which such fund shall be handled; to prescribe such other requirements as may be necessary to secure a complete and permanent and perpetual record of every birth, death, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time.

Senator DeBerry sent up the following amendments:

Amend S. B. No. 214 by striking out the words "One dollar" in line 25 section 1 page 1 and insert in lieu thereof the following words "Ten cents."

DeBERRY.

The amendment was read.

Senator Hornsby moved to table the amendment. The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Hornsby.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Parr.

Patton.
Purl.
Small.
Stevenson.

Thomason.
Woodul.
Woodward.

Nays—7.

Berkeley.
DeBerry.
Loy.
Martin.

Oneal.
Parrish.
Woodruff.

Absent—Excused.

Cousins.
Cunningham.
Holbrook.
Hopkins.
Poage.

Pollard.
Rawlings.
Russek.
Williamson.

Senator Purl sent up the following amendment:

Substitute: Strike out "Marriage License" wherever it occurs and substitute in lieu thereof "Suit for Divorce" and strike out County Clerk and insert "District Clerk."

PURL.

Read and adopted.

Senator Loy sent up the following amendment:

Amend S. B. No. 214, Section 4 line 22 by striking out the word State Department of Health, and add in lieu thereof "State Treasurer General Fund."

LOY.

The amendment was read.

Senator Hornsby moved to table the amendment. The motion prevailed by the following vote:

Yeas—13.

Beck.
Berkeley.
Hornsby.
Moore.
Neal.
Oneal.
Parr.

Patton.
Purl.
Small.
Stevenson.
Thomason.
Woodul.

Nays—7.

DeBerry.
Gainer.
Greer.
Loy.

Martin.
Parrish.
Woodruff.

Present—Not Voting.

Hardin.

Absent.

Cunningham.
Holbrook.
Hopkins.
Poage.

Pollard.
Russek.
Williamson.
Woodward.

Absent-Excused.

Cousins.

Rawlings.

Senator Purl sent up the following amendments:

Amend S. B. No. 214 Sec. 4 by adding the following after the word "collecting" in line 30 "which fees shall be construed as fees of office accountable as fees of office."

PURL.

Read and adopted.

Amend S. B. No. 214 By amending caption to conform to the bill.

PURL.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—17.

Beck.
Berkeley.
Gainer.
Greer.
Hardin.
Hornsby.
Moore.
Neal.
Oneal.

Parr.
Parrish.
Patton.
Purl.
Small.
Stevenson.
Thomason.
Woodward.

Nays—4.

DeBerry.
Loy.

Martin.
Woodruff.

Absent.

Cunningham.
Hopkins.
Poage.

Pollard.
Williamson.

Absent-Excused.

Cousins.
Holbrook.

Rawlings.

(Pairs Recorded.)

Senator Woodul present, who would vote Yea with Senator Russek absent, who would vote Nay.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 214 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.
Berkeley.
DeBerry.
Gainer.
Greer.

Hardin.
Hornsby.
Loy.
Moore.
Neal.

Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Woodruff.
Patton.	Woodul.
Purl.	Woodward.
Small.	

Nays—1.

Martin.

Absent.

Cunningham.	Pollard.
Hopkins.	Russek.
Poage.	Williamson.

Absent-Excused.

Cousins.	Rawlings.
Holbrook.	

Read third time and finally passed
by the following vote:

Yeas—17.

Beck.	Parr.
Berkeley.	Parrish.
Gainer.	Patton.
Greer.	Purl.
Hardin.	Small.
Hornsby.	Stevenson.
Moore.	Thomason.
Neal.	Woodward.
Oneal.	

Nays—3.

DeBerry.	Martin.
Loy.	Woodruff.

Absent.

Cousins.	Rawlings.
Holbrook.	

Absent-Excused.

Cunningham.	Pollard.
Hopkins.	Williamson.
Poage.	

(Pairs Recorded.)

Senator Woodul present, who
would vote yea with Senator Rus-
sek absent, who would vote nay.

Reason for Vote.

On Senate Bill No. 214 I voted
nay for the following reason. The
bill was amended to make divorced
couples pay this fee rather than the
applicants for license to marry. I
thoroughly agree with this amend-
ment but am opposed to the crea-
tion of a special fund which it creates
DEBERRY.

Simple Resolution No. 88.

Senator Berkeley sent up the fol-
lowing resolution:

Whereas, the Hon. John N. Gar-
ner, Congressman from the 18th
District of Texas, having concluded
his labors in the 72nd Congress of
the United States is now at his home
at Uvalde, Texas, and

Whereas, the Texas Democracy
recognizes the splendid leadership
and distinguished service rendered
by Congressman Garner and foresee
his possible elevation to the Speak-
ership of the 73rd Congress, and
should this happy incident occur
Texas will be honored above that
of any other Southern State, since
the year 1895

Therefore, be it resolved that the
Hon. John N. Garner be invited to
address the Texas Senate at his con-
venience during the 42nd Legisla-
ture,

Be it further resolved that a copy
of this resolution be mailed to Hon.
John N. Garner, Uvalde, Texas, and
an early reply requested so we may
be advised as to the date this body
will be honored by his presence.

BERKELEY,
WOODWARD,
GREER.

Read and adopted.

S. C. R. No. 26.

Senator Small sent up the follow-
ing resolution:

Be it resolved by the Senate, the
House of Representatives, concur-
ring that H. B. No. 656 be returned
to the Senate for further considera-
tion.

SMALL.

Read and adopted.

Motion to Reconsider.

Senator Small spread on the
Jurnal a motion to reconsider the
vote by which S. J. R. No. 18 failed
to pass to engrossment.

Visiting Legislators Introduced.

The Chair introduced Representa-
tive Dave Logan and State Senator
Bill Williams of Oklahoma.

Senator Williams briefly ad-
dressed the Senate.

Adjournment.

On motion of Senator Woodward,
the Senate, at 4:33 o'clock p. m.,

adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Dallas, Texas, March 16, 1931.
Hon. George C. Purl,
Texas State Senate,
Austin, Texas.

Dear Senator Purl: At a special meeting of the Dallas Insurance Agents Association, called for the purpose of considering House Bill No. 512 and its companion bill in the Senate No. 317, the following was authorized by unanimous vote to be presented to the members of the Dallas County Delegation in the Legislature.

"The purpose of this bill is to authorize the Legislature of the State of Texas to fix the maximum commission to be paid local agents upon fire, tornado and automobile insurance.

We respectfully call your attention to the uneconomic basis upon which this proposed legislation is founded. Legislative determination of commissions, salaries or wages clothes the Legislature with a managerial function which is inconsistent with sound policy. Such an act by the Legislature becomes an inflexible rule which is not subject to changes as may be dictated by various conditions which control compensation.

Apart from the fallacy of attempting to fix a commission by legislative action, your attention is also called to the fact that the bill as drawn does not take into consideration the control of General Agents and others who transact a great volume of insurance business.

We believe that this one of the most important pieces of legislation that is pending before the Legislature and that the objections to this bill are so numerous and so evident that you will join with us in agreeing that it is uneconomic in operation and discriminatory in character and contrary to public policy.

Upon this basis we respectfully urge you to use your influence to defeat the passage of this legislation."

Respectfully submitted,
A. G. Johnson, Manager.

Members.

W. I. Addison & Company
Andrews-McDowell Company
Belcher-Garrison Company
W. D. Belt, Jr.
Bishop Insurance Agency
Blanton, Thomas & Company
Bolan & Bolan
Bomar Brothers
C. R. Burton & Company
Bywaters & Company
A. C. Cason & Son
Cochran & Houseman
Cox & Stailey
Craddock & Smith
Craft & Company
Crowe-Kay & Company
Cullum & Harris
Dallas Insurance Agency
Chas. L. Dexter & Company
Diffey-Collins Agency
O. C. Dowdy Agency
Dudley & Wedd Ins. Agency
W. A. Dunnahoo Agency
J. S. Durham & Company
Ellis-Smith & Company
W. R. (Bill) Ellis
Harry A. Fisher
Geer & Company
J. E. Grant Company
Glynn O. Green
Hanway & Williams
Hill & Green
Geo. Hogan Insurance Agency
Holden & Curless
Sep R. Hughes Company
Julian, Cochran & Carter
Keeling Insurance Agency
M. N. Killough & Company
Kirkpatrick-Thompson & Company
J. W. Lindsley & Company
Jno. H. Love
Love, Costs & Dean
Harry I. Maxson
McCormick & Turner
N. E. Mittenthal & Son
J. S. Menderhall
John Moon & Company
C. B. O'Beirne & Company
Oldham & Gambrell
Perry Agency
Peterson-Cooper Company
Geo. Pfouts & Company
Wm. Reilly Agency
Schepps Brothers
Seay & Hall
Sheerin-Steele Company
Shelton-Loving Company
Simpson & Cathey
Jay Russell Smith Agency
R. B. Stichter Insurance Agency
Jas. N. Tardy Company
Howard G. Thrash
S. H. Troth & Company
Geo. W. Works Insurance Agency

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Concurrent Resolution No. 23, carefully examined and compared and find the same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 176 carefully examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 3, A bill to be entitled "An Act to provide for the acquisition of land for, and the construction of a State Office Building, creating a Board making an appropriation therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass together with Senate committee amendments.

BECK, Chairman.

Amend Senate Bill No. 3 by striking out Section 3, and inserting in lieu thereof the following:

"Section 3. The sum of Five Hundred Thousand (\$500,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Highway fund for the construction and fully equipping and furnishing of said building."

Committee Room,
Austin, Texas, March 20, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 4, A bill to be entitled "An Act providing for the repairing and renovation of the State Capitol, creating a Board for such purpose, making an appropriation therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,
Austin, Texas, March 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 370, A bill to be entitled "An Act to authorize any drainage district heretofore created or which may be hereafter created under the provisions of Chapter 7, Title 128 of the Revised Civil Statutes of 1925, and which at the time of its creation, has become a conservation and reclamation district under the provisions of Chapter 8, Title 128 aforesaid, or which may after its creation, pursuant to law now or hereafter in force, become such conservation and reclamation district, to levy all taxes of such district on a benefit basis, that is to say on an equal and uniform basis or rate on each acre of land within said district, instead of an ad valorem basis as now provided by law, to provide the method for the determination thereof, to repeal all laws in conflict herewith, and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, March 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 6, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on Texas State Board of Medical Examiners in respect to the collection and expenditure of

funds raised from the collection of such fees; etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

MOORE, Chairman.

By Duval et al.

H. B. No. 6.

A BILL

To Be Entitled

An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners in respect to the collection and expenditure of funds raised from the collection of such fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Civil Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1932, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of Two (\$2.00) Dollars, such payment to be made as prescribed in the Act; and further providing that, upon receipt of the annual payment of such registration fee, the Texas State Board of Medical Examiners, after ascertaining from the records of the Board or from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing

ing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that the fund realized from the collection of such annual registration fee shall constitute a special fund and providing the purposes for which same may be expended, and defining the purposes for which the current revenues to be derived and placed to the credit of said fund during the two years ending August 31, 1933 may be expended, and how the same may be expended and conferring certain powers and duties upon the Texas State Board of Medical Examiners; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, to be registered as such practitioners with the Texas State Board of Medical Examiners on or before the 1st day of January, A. D. 1932, and thereafter to register in like manner annually, on or before the 1st day of January of each succeeding year. Each person so registering with the Texas State Board of Medical Examiners shall pay, in connection with each annual registration and for the receipt hereinafter provided for, a fee of Two (\$2.00) Dollars, which fee shall accompany the application of every such person for such registration. Such payment shall be made to the Texas State Board of Medical Examiners. Every person so registering shall file with the Texas State Board of Medical Examiners a written application for annual registration, setting forth his full name, his age, his Post Office address, his place of residence, the county or counties in which his certificate entitling him to practice medicine has been registered, and the place or places where is engaged in the practice of medicine, as well as the school of medicine to which he pro-

fesses to belong and the number and date of his license certificate.

Upon receipt of such application, accompanied by the registration fee of Two (\$2.00) Dollars, the Texas State Board of Medical Examiners, after ascertaining, either from the records of the Board or from other sources deemed by it to be reliable, that the applicant is a licensed practitioner of medicine in this State, shall issue to the applicant an annual registration receipt, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; provided, that the filing of such application, the payment of the registration fee, and the issuance of such receipt shall not entitle the holder thereof to lawfully practice medicine within the State of Texas, unless he has in fact been previously licensed as such practitioner by the Texas State Board of Medical Examiners, as prescribed by law, and has recorded his license certificate entitling him to practice, as issued by said Board, in the District Clerk's Office of the several counties in which the same may be required by law to be recorded, and unless his license to practice medicine is in full force and effect; and provided further that, in any prosecution for the unlawful practice of medicine as denounced in Chapter 6, Title 12, of the Penal Code of Texas, such receipt showing payment of the annual registration fee required by this Act shall not be treated as evidence that the holder thereof is lawfully entitled to practice medicine.

Sec. 2. If any person required to register as a practitioner of medicine under the provisions of Section 1 of this Act shall fail, neglect or refuse to apply for such registration and pay the annual registration fee before the expiration of sixty days after the 1st day of January of each year, his license to practice medicine, previously issued to him, shall stand suspended, so that, for thereafter practicing medicine, he shall be subject to the penalty imposed by Article 742 of the Penal Code of 1925 upon any person unlawfully practicing medicine in this State; provided, that such license shall be reinstated at any time upon written application of the holder, made to the Texas State Board of Medical Examiners,

accompanied by payment of the annual registration fees in arrears; and an additional fee of One (\$1.00) Dollar, and without examination or the performance of any other condition.

And provided further that when any such suspended license is thus reinstated, the practitioner's license shall stand as if the same had never been suspended, and if any prosecutions have been filed or any penalties incurred on account of the practice of medicine by such practitioner during the period when such license stood suspended, said prosecutions and penalties shall be completely abated, and such reinstatement shall be a complete defense to the same.

Sec. 3. All annual registration fees collected by the Texas State Board of Medical Examiners under this Act shall be placed in the State Treasury, to the credit of a special fund to be known as the "Medical Registration Fund," and all of the current revenues to be derived and placed to the credit of said fund during the two years ending August 31, 1933, are hereby appropriated and shall be used by the Texas State Board of Medical Examiners, and under its direction, in the enforcement of the laws of this State prohibiting the unlawful practice of medicine, and in the dissemination of information to prevent the violation of such laws and to aid in the prosecution of those who violate such laws. The Texas State Board of Medical Examiners shall be authorized to employ and to compensate from such special fund employees and such other persons as may be found necessary to assist the local prosecuting officers of any county in the enforcement of all the laws of the State prohibiting the unlawful practice of medicine, and to carry out the other purposes for which said fund is hereby appropriated. Provided that all such prosecutions shall be subject to the direction and control of the regularly and duly constituted prosecuting officers, and nothing in this Act shall be construed as depriving them of any authority vested in them by law.

In performing the duties developed by this Act upon the Board of Medical Examiners, said Board shall act through the Secretary-Treasurer of the Board of Medical Examiners. The Secretary-Treasurer shall receive a salary to be fixed by the

Legislature in its General Appropriation Bill for the performance of such duties under this Act, and shall make and file a surety bond in favor of the Texas State Board of Medical Examiners in the sum of not less than Ten Thousand (\$10,000.00) Dollars, conditioned that he will faithfully discharge the duties of his office. Such salary shall be paid out of said "Medical Registration Fund" and shall not be, in any way, a charge upon the general revenue of the State. The Texas State Board of Medical Examiners shall employ and provide such clerks and employees as may be necessary to assist the Secretary-Treasurer in performing his duties and in carrying out the purposes of this Act; provided, that the compensation of all persons authorized to be employed under this chapter, shall be paid only out of said "Medical Registration Fund." All disbursements from said fund shall be made only upon written approval of the president and secretary-treasurer of the State Board of Medical Examiners and upon warrants drawn by the Comptroller to be paid out of said fund.

Sec. 4. This Act shall not be construed as repealing any part of Chapter Six of Title 71, Revised Civil Statutes of 1925, or Chapter Six of Title 12 of the Penal Code of 1925.

Sec. 5. The fact that it is desirable to have a State record properly kept on an annual basis, showing the number of persons engaged in the practice of medicine in this State, and showing where such persons are engaged and under what authority they are so engaged, creates an emergency, which requires that the Constitutional Rule requiring bills to be read on three several days, be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
March 24, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Carl Hardin.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Beck.

Prayer by the Rev. C. T. Caldwell, pastor of the First Presbyterian Church, Waco.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Neal:

S. B. No. 568, A bill to be entitled "An Act fixing the maximum amount of fees which all officers can receive under the provisions of the maximum fee bill in counties having a prescribed population, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 569, A bill to be entitled "An Act to amend Article 3897 R. S. as amended by Section 5, Chapter 20, Acts Forty-first Legislature, Fourth Called Session, so as to exempt officers in Counties of less than 25,000 inhabitants from the require-